

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JOHN DOE,)	
Plaintiff)	
)	
v.)	CASE NO. 3:21-cv-00144-TWP-CSW
)	
UNIVERSITY OF SOUTHERN INDIANA,)	
Defendant)	

PLAINTIFF’S DOCKETING STATEMENT

Comes now the Plaintiff, John Doe, by counsel, and respectfully submits this Docketing Statement pursuant to Seventh Circuit Rules 3(c)(1) and 28(a).

I. District Court Jurisdiction

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant University of Southern Indiana (“USI”), filed its Notice of Removal of this action from the Vanderburgh County, Indiana, Circuit Court. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 based on the existence of a federal question under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*

II. Appellate Court Jurisdiction

This is an appeal of the Order on Plaintiff’s Objection to Magistrate Judge’s Order on Plaintiff’s Use of Pseudonym entered on the docket of the United States District Court for the Southern District of Indiana on July 11, 2024. [Dkt. 440]. No motion for a new trial or alteration of judgment or other motion tolling the time within which to appeal has been filed. Plaintiff timely filed his Notice of Appeal on July 18, 2024.

The Seventh Circuit Court of Appeals has jurisdiction over this appeal pursuant to the collateral order doctrine. The U.S. Supreme Court stated in *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546, 69 S. Ct. 1221, 1225-26 (1949), that the collateral order doctrine “carves out a ‘small class’ of non-final orders that are deemed final and immediately appealable.” *Doe v. Vill. of Deerfield*, 819 F.3d 372, 376 (7th Cir. 2016). “An immediately appealable collateral order is one that (1) conclusively determines the disputed question; (2) resolves important issues separate from the merits; and (3) is effectively unreviewable on appeal from a final judgment.” *Abelesz v. Erste Grp. Bank AG*, 695 F.3d 655, 659 (7th Cir. 2012); see *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 130 S. Ct. 599, 605, 175 L. Ed. 2d 458 (2009). This Court has determined that “denials of motions for leave to proceed anonymously are immediately appealable because they meet the three elements of the collateral order doctrine.” *Vill. of Deerfield*, 819 F.3d 372 at 376.

III. Prior or Related Appellate Proceedings

There is one prior appellate proceeding in this case. On May 17, 2022 John Doe filed his Notice of Appeal from the District Court’s Entry Denying Plaintiff’s Motion for Preliminary Injunction which was entered on May 10, 2022. This prior appeal was captioned *John Doe, Plaintiff-Appellant, v. University of Southern Indiana, Defendant-Appellee* and assigned Case No. 22-1864. The Seventh Circuit Court of Appeals issued its opinion on August 8, 2022. There are no other related appellate proceedings.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 19, 2024, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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